

CAMPAIGN FINANCE DIVISION

☒ **WAIVER REQUEST**
☐ **RECONSIDERATION REQUEST**

DATE: 11/24/2020
DOCKET #:

FILER INFORMATION

Name: Ernest A. Burguières, III
Office: Council Members at Large, City of Mandeville
Parish: ST. TAMMANY
Election Date: 7/11/2020
Level of Office: Any

REPORT INFORMATION

Name of Report: ANN2019
Original Due Date: 2/18/2020
Date Filed: 4/23/2020
Activity Receipts: \$8,160.00
Expenditures: \$645.90
Funds at Close of Reporting Period: \$7,514.10

LATE FEE INFORMATION

Amount of Late Fee: \$1000
Days Late: 65
Late Fee Order Received: 8/27/2020
Payment/Waiver Request Due Date: 9/16/2020
Waiver Request Received: 8/28/2020
Additional Information Requested:
XX - Medical
- Financial
- Other

COMMENTS: He made a mistake in assuming that the 30-P report due March 5, 2020 was the first report to be filed. As a result, he filed 30-P on February 26, 2020, which covered all activity from October 18, 2019, when he first received contributions to February 24, 2020. In March, 2020 he contracted the Corona virus and in April, 2020 he was hospitalized for health issues related to the Corona virus. He received a letter dated March 17, 2020 informing him to break the 30-P report into two reports; an annual report which covered October 18, 2019 through December 31, 2019. and the 30-P. He filed this revised annual report on April 23, 2020. His error was in making it one report instead of two reports. It was a honest error, coupled with the personal turmoil he experienced with the Corona virus during this period mitigates against assessing a penalty.

OTHER LATE FEE INFORMATION

Campaign Finance:

Other Outstanding Reports: No
Other Outstanding Late Fees: No
Prior Late Fees: Yes
Reassessed Late Fees: No

Disclosure Statements:

Other Outstanding Late Fees: No
Prior Late Fees: No

ERNEST A. BURGUIÈRES, III
A PROFESSIONAL LAW CORPORATION

829 BARONNE STREET
NEW ORLEANS, LOUISIANA 70113

TEL: (504) 523-3456
eab3@bellaouth.net

August 28, 2020

Melissa Horn
Louisiana Board of Ethics
Post Office Box 4368
Baton Rouge, Louisiana 70821

Re: Late Fee Assessment
July 11, 2020 election

Dear Ms. Horn:

In response to your August 20, 2020 letter (Certified Mail 70200640000107318959) I offer the following response:

I request that the Board consider waiving and/or reducing the late fee for the following reasons:

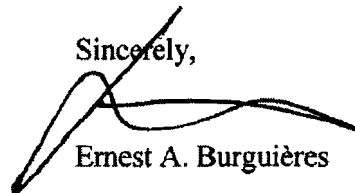
1. The Late Fee Assessment Order I received refers to an annual report that was supposed to be filed by February 18, 2020 and which was not received by the Board of Ethics until April 23, 2020. A copy of this Order is attached.
2. The Schedule of Reporting and Filing Dates I received when I qualified states that the first deadline that applied to "all candidates" was the 30P due by March 5, 2020. There are no reports due February 18, 2020. A copy of this Schedule is attached.
3. I made a mistake in assuming that the 30P report due March 5, 2020 was the first report that I was required to file. As a result, I filed my 30P on February 26, 2020 which covered all activity from October 18, 2019 when I first received contributions to February 24, 2020.
4. In March, 2020 I contracted the Coronavirus.
5. In April, 2020 I was hospitalized for health issues related to the Coronavirus.

page two, Louisiana Board of Ethics
in Re: Ernest A. Burguières - Late Filing - July 11, 2020 election
August 28, 2020

6. I was informed by the Board of Ethics by letter dated March 17, 2020 that I needed to break this 30P report into two reports; an annual report which covered October 18, 2019 through December 31, 2019. I filed this revised annual report on April 23, 2020.
7. On May 6, 2020, pursuant to the revised schedules due to the Coronavirus, I filed the 30P that covered January 1, 2020 to February 24, 2020.
8. I ran my campaign by myself without any staff.
9. I provided all of the correct information for the time period October 18, 2019 to February 24, 2020. My error was in making it one report instead of two reports. This was based on my misunderstanding of the rule.
10. I believe such an honest error, coupled with the personal turmoil I experienced with the Coronavirus during this period mitigates against assessing an penalty. Please waive this late assessment fee.

If the Board would like to hear from me personally I would be happy to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernest A. Burguières', with a stylized flourish extending to the right.

Ernest A. Burguières

STATE OF LOUISIANA LOUISIANA BOARD OF ETHICS
acting in its capacity as the
SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE

In Re: Ernest A. Burguières, III
July 11, 2020 Election

LATE FEE ASSESSMENT ORDER

WHEREAS, Ernest A. Burguières, III, in his capacity as a candidate for Council Members at Large, City of Mandeville in the July 11, 2020 election was required to file campaign finance reports pursuant to La. R.S. 18:1484.

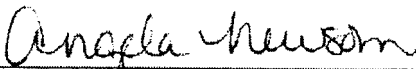
WHEREAS, La. R.S. 18:1505.1 provides that it is a violation of the Campaign Finance Disclosure Act to fail to timely file campaign finance reports.

WHEREAS, in accordance with La. R.S. 18:1495.4E, Ernest A. Burguières, III was required to file an Annual Report by February 18, 2020. Ernest A. Burguières, III filed the report on April 23, 2020 and was 65 days late.

WHEREAS, La. R.S. 18:1505.4A(2)(a)(iii) provides that an automatic late fee of \$40 per day (not to exceed \$1,000) be assessed against Ernest A. Burguières, III for this late filing.

ACCORDINGLY, IT IS ORDERED that a late fee of \$1,000 is assessed against Ernest A. Burguières, III for failure to timely file his campaign finance disclosure report.

ORDER signed on the 20th day of August 2020 at Baton Rouge, Louisiana.



Angela Newsom, Director
Campaign Finance & Lobbying Division

**SCHEDULE OF REPORTING AND FILING DATES
FOR CANDIDATES & PACs SUPPORTING OR OPPOSING CANDIDATES**

PRIMARY ELECTION - April 4, 2020

GENERAL ELECTION - May 9, 2020

NO.	REPORT TYPE	REPORT COVERS PERIOD FROM:	REPORT COVERS PERIOD THROUGH:	REPORT DUE BY:*	FILED BY:
1.	180 th day prior to primary (180-P)	<ul style="list-style-type: none"> • if 2018 annual report filed + - January 1, 2019 • if first report - date of first contribution/ expenditure 	September 27, 2019	October 7, 2019	major office candidates & PACs supporting or opposing only
2.	90 th day prior to primary (90-P)	<ul style="list-style-type: none"> • if 2018 annual report filed + - January 1, 2019 • if first report - date of first contribution/ expenditure • if 180-P filed - September 28, 2019 	December 26, 2019	January 6, 2020	major office candidates & PACs supporting or opposing only
3.	30 th day prior to primary (30-P)	<ul style="list-style-type: none"> • if 2019 annual report filed + - January 1, 2020 • if first report - date of first contribution/ expenditure • if 90-P filed - December 27, 2019 	February 24, 2020	March 5, 2020	all candidates & PACs supporting or opposing in the primary election
4.	10 th day prior to primary (10-P)	February 25, 2020	March 15, 2020	March 25, 2020	all candidates & PACs supporting or opposing in the primary election
•	Special (48 hour) report (s)	March 16, 2020	April 4, 2020	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
5.	Election Day Expenditures	See instructions on reverse side	April 4, 2020	April 14, 2020	all candidates & PACs supporting or opposing in the primary election
6.	10 th day prior to general (10-G)	March 16, 2020	April 19, 2020	April 29, 2020	MUST BE FILED BY ALL CANDIDATES & PACs SUPPORTING OR OPPOSING IN PRIMARY ELECTION
•	Special (48 hour) report (s)	April 20, 2020	May 9, 2020	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
7.	Election Day Expenditures	See instructions on reverse side	May 9, 2020	May 19, 2020	all candidates & PACs supporting or opposing in the general election
8.	40 th day after general (40-G)	April 20, 2020	June 8, 2020	June 18, 2020	all candidates & PACs supporting or opposing in the general election
9.	Supplemental & Annual	April 20, 2020, if not in general June 9, 2020, in general	December 31, 2020 December 31, 2020	February 17, 2021	candidates & PACs supporting or opposing with outstanding debts or loans or having additional contributions or expenditures

* Date received either physically or electronically, by facsimile or e-mail, in the office of the supervisory committee or date of postmark or date received on a return receipt requested from the United States Post Office or receipt or invoice from commercial delivery service. Law requires that candidates for "major offices" and "district offices" file campaign finance reports electronically.

+ An annual report is due by February 18, 2020, if contributions received or expenditures made in 2019.

Revised 7/2/2019

Ernest A. Burguières
Attorney at Law
829 Baronne St.
New Orleans, Louisiana 70113

FAX COVER SHEET

DATE AUG 28 2020

TIME: 9:45 AM

ATTENTION Mr. W

TO: La. Bureau of Ethics

FROM: Ernest Burguières

FAX NUMBER CALLED: 225-381-7271

LA. BUREAU OF ETHICS
ATTENTION

RE: LA. BUREAU OF ETHICS AND ATTACHMENTS

CONFIDENTIALITY NOTICE

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FAX QUESTIONS: (504) 523-3406
TELEPHONE: (504) 521-7271



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STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

August 31, 2020

Ernest A. Burguières, III
P.O. Box 8994
Mandeville, LA 70470

RE: Ethics Board Docket No.:

Dear Ernest A. Burguières, III:

You recently requested a waiver of the late fee assessed against you for filing your campaign finance disclosure report late in connection with the July 11, 2020 election. In the request, you stated that you had health issues. If you would like the Board to consider your medical situation as a reason for this late filing, you must provide documentation verifying your claim. The information you provide will only be reviewed by the Ethics Board.

Should you have any questions, please contact me at the above number.

Please submit the documentation to the above address by **October 5, 2020**.

Sincerely,

Melissa Horn